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81

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09/650,496	08/29/2000	Dale E Fiene		8592

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EXAMINER

PAYNE, SHARON E

ART UNIT	PAPER NUMBER
	2875

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/650,496	FIENE, DALE E
	Examiner	Art Unit
	Sharon E. Payne	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 28-54 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 35,36,38,41 and 48-51 is/are rejected.

7) Claim(s) 28-34, 37, 39-40, 42-47 and 52-54 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 28-54 are objected to because of the following informalities: the phrase "ballasted-socket" should be "ballasted socket."
2. The term "long" in claim 34 is a relative term which renders the claim objectionable. The term "long" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
3. Claim 42 is objected to because of the following informalities: the phrase "its' cover tabs" should be "that the cover tabs of the slide-on cover". Appropriate correction is required.
4. The term "compact" in claim 50 is a relative term which renders the claim objectionable. The term "compact" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 35, 36 and 38 rejected under 35 U.S.C. 102(b) as being anticipated by Lau (U.S. Patent 5,471,375).

Regarding claim 35, Lau discloses a fluorescent light ballast lamp mounting socket construction. The lamp socket includes a pair of high-frequency input terminals (Fig. 4), a high frequency ballasting circuit (Fig. 4), a lamp socket for a single-ended lamp (reference number 40), interconnecting wiring between the high frequency input terminals and the high frequency ballasting circuit (Fig. 5), interconnecting wiring between the high-frequency ballasting circuit and the lamp socket for a single-ended lamp (Fig. 5) and an enclosure (reference number 44), the enclosure completely enclosing the high-frequency ballasting circuitry (Fig. 4), the interconnecting wiring between the high-frequency input terminals and the high-frequency ballasting circuit (Fig. 4) and the interconnecting wiring between the high-frequency ballasting circuit and the lamp socket for a single-ended lamp (Fig. 4), and the enclosure not enclosing the single-ended lamp (Fig. 4). (Although the term "high-frequency" is defined in the specification, it is not defined in the claims; therefore, a structure for a regular AC circuit can be used to reject the claim.)

Concerning claim 36, Lau discloses the enclosure (reference number 44) including a mounting base (Fig. 4). (See the screw holes in the enclosure.)

Regarding claim 38, Lau discloses a pair of input terminals (Fig. 4), a ballasting circuit (Fig. 4), a socket with output terminals that is capable of receiving, supporting and making electrical connection to a single-ended lamp (reference number 40), interconnecting wiring between the input terminals and the ballasting circuitry (Fig. 4), interconnecting wiring between the ballasting circuitry and the output terminals of the socket (Fig. 4) and an enclosure (reference number 44), the ballasting circuit being capable of properly igniting and powering a gas discharge lamp when provided with a high-frequency voltage on the pair of input terminals (Fig. 4), the enclosure completely encapsulating the ballasting circuitry (Fig. 4), the interconnecting wiring between the input terminals and the ballasting circuitry (Fig. 4), the

Art Unit: 2875

interconnecting wiring between the ballasting circuitry and the output terminals of the socket (Fig. 4) and the portion of the output terminals to which the ballasting circuitry connects (Fig. 4) and the enclosure not enclosing a single-ended lamp (Fig. 4). The input to the ballasting circuit being connected to a pair of input terminals and the output of the ballasting circuit being connected to the output terminals within the socket are considered to be inherent in the reference, because these electrical connections need to be made to make the apparatus in the Lau reference work. Please note that an apparatus for any AC circuit may be used to defeat this claim, because the term "high-frequency" is not defined within the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbot (U.S. Patent 5,751,117) in view of Nilssen (U.S. Patent 6,198,228 B1).

Regarding claim 41, Abbot discloses an interconnecting cable (Fig. 1) and multiple luminaires (Fig. 2) and the interconnecting cable being supplied from a manufacturing facility with no luminaires connected thereto (Fig. 1). Abbot does not disclose the high-frequency power source.

Abbot discloses a high-frequency power source (abstract), the high-frequency power source being connected to and powered from a standard utility power line (abstract) and having

a high-frequency power output (abstract), the interconnecting cable (reference number 206) being connected to the high frequency power output (Fig. 9).

The portion of the claim starting with "the system" and continuing to the end of the claim constitutes functional language that is not given patentable weight. See M.P.E.P. 2113.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the high-frequency power source of Nilssen in the apparatus of Abbott to supply power to the fluorescent lamps.

9. Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau (U.S. Patent 5,471,375) in view of Nilssen.

Regarding claim 48, Lau discloses the steps of passing a high-frequency output cord along a ceiling (Fig. 4, column 4 in lines 47-51), placing a ballasted socket assembly over the high-frequency output cord (Fig. 4), and mounting the ballasted socket assemblies to the ceiling (column 4, lines 47-51). Lau does not disclose putting the lighting assembly under a cabinet or shelf. Please note that Lau may be used to defeat this portion of the claim because the term "high-frequency" is not defined in the claim.

Nilssen discloses putting the lighting assembly under a cabinet or shelf (Fig. 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to put the apparatus of Lau under a cabinet or shelf as disclosed in Nilssen for lighting the surface under a cabinet or shelf.

Concerning claim 49 Lau discloses the step of inserting a gas-discharge lamp into the ballasted socket assembly (Fig. 4).

Regarding claim 50, Lau discloses the step of inserting a compact fluorescent lamp into the ballasted socket assembly (Fig. 4).

Concerning claim 51, Lau discloses ballasted socket assembly that includes a socket with an opening suitable for receiving a gas-discharge lamp (Fig. 4), the opening positioned on the ballasted socket assembly such that when the ballasted socket assembly is mounted beneath a cabinet or shelf the opening is facing in a downward position (Fig. 4, column 4 in lines 47-51).

Allowable Subject Matter

10. Claims 28-34, 42-47 and 54 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.
11. Claims 37, 39, 40 and 52-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose the following features:
 - 1) a ballasted socket assembly that is provided with a channel as recited in claims 28 and 54;
 - 2) a lamp and a ballasted socket assembly on the same side of the reflector as recited in claim 37;
 - 3) a ballasted socket arranged having a single insulation displacement connector as recited in claim 39;
 - 4) a mounting base having two recessed channels oriented at right angles with respect to each other as recited in claim 40;
 - 5) a slide-on cover with cover tabs that engage with a set of base tabs as recited in claim 42;

- 6) an opening positioned so that it faces to the side when the ballasted socket assembly is mounted beneath a cabinet or shelf as recited in claim 52; and
- 7) two sockets on the ballasted socket assembly each having an opening for receiving a gas-discharge lamp as recited in claim 53.

Response to Arguments

13. Applicant's arguments with respect to claims 28-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lau (U.S. Patent 6,083,021) discloses a fluorescent light ballast lamp mounting socket construction.

16 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep
May 17, 2003


Stephen Husar
Primary Examiner